UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/3/Add.7
10 November 1992

ENGLISH
Original: SPANISH

COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1992

Addendum

PERU

[28 October 1992]

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Introduction

1. Notwithstanding the scarcity of financial resources and its difficult economic situation, exacerbated by the presence of terrorism and the influence of drug-trafficking, the Government of Peru is determined to make protection of the rights of children and creation of the minimum conditions required for their survival and development a major focus of its institutions' efforts in the short- and medium-term. To this end, we have entered into all international commitments and subscribed to all international agreements in favour of the child, and this report is a confirmation of our position.

2. At the Government's initiative, a High-Level Multisectoral Commission was established by Supreme Decree No. 161-91-PCM to draw up the short-term and medium-term national action plan for children, 1992-1995. This Commission has coordinated and directed the preparation of the present document, with the aim of assessing the impact of the various measures adopted for the protection and development of children, in coordination with the social sectors responsible for implementing such measures.

3. Chapter I of this document contains general information on the principal features and characteristics of the country, together with some indicators giving an idea of national realities and a description of the political structure of the State. Chapter II summarizes the measures adopted by Peru for the purpose of recognizing and achieving the rights laid down in the Convention on the Rights of the Child and in the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children. The report concludes with a list of the annexes containing statistical information.

I. GENERAL INFORMATION

A. Location, population, language and religion

1. Location and environmental characteristics

4. Peru is located in the west central part of the South American continent. It is the third largest of the South American countries in area, after Brazil and Argentina. Its geography is complex and it has 84 of the world's 112 climates. However, only 5.9 per cent of the total surface area is arable land and of this only 33 per cent is cultivated, a proportion diminished still further by natural disasters such as floods and drought.

2. Population: composition, regional distribution and fertility

5. The total population in 1992 is estimated at 22.5 million inhabitants, 70 per cent of whom live in urban areas. This means that 3 out of every 10 persons live in the countryside. The major focus of internal migration is the capital, Lima, where 32 per cent of the total population is concentrated. This has led to uncontrolled urban growth, particularly in the outskirts, and has created acute problems regarding the supply of basic services.

6. For the five-year period 1990-1995, average annual births are estimated at 659,000 and deaths at 173,000. The age structure of the Peruvian population is predominantly young: persons under the age of 15 constitute 43 per cent; persons between the ages of 15 and 64, 59 per cent; and persons over the age of 65, 4 per cent. Estimates for this five-year period put the general fertility rate at 3.6 children per woman and life expectancy at birth at 65 years. Recent estimates indicate that women are the heads of 15 per cent of households.

3. Language and religion

7. Peru has two official languages - Spanish, which is spoken by the majority of the population, and Quechua, which is spoken by a substantial proportion of the population in the country's mountain areas. There are also other indigenous languages. In a recent survey, only 8 per cent of women of child-bearing age stated that an indigenous language was habitually spoken in their home, without excluding knowledge of Spanish. The predominant religion is Catholicism; it is estimated that 89 per cent of women profess the Catholic religion, with the Evangelical religion coming next in order of importance.

B. Education, health and economic situation

1. Education

8. The Political Constitution of the Peruvian State recognizes the right of all Peruvians to education and culture. However, the reduction in spending on education, which was down by some 20 per cent in 1987 and 28 per cent in 1989, has affected the quality of this service. Although the education offered is still inadequate, significant progress has been made in regard to the primary-school attendance rate, which stood at 89.5 per cent in 1991. However, the coverage of the education service for children under the age of 6 is low, and 70 per cent of children in this age group do not enjoy the benefits of initial education. The illiteracy rate among adults is estimated at 1.7 per cent and the illiteracy rate among women at 17.4 per cent (1991). The proportion of women of child-bearing age (15-49 years) with at least one year of secondary education increased from 51 per cent to 66 per cent during the period 1986-1991.

2. Health

9. The infant mortality rate is the third highest in Latin America, after Bolivia and Haiti, and is estimated at 79.5 per 1,000 live births (1991). This national average conceals regional differences. Of the 13 new regions into which the country is divided, 10 have an infant mortality rate higher than the national average. The average infant mortality rate is 68.6 per 1,000 live births for urban areas, and 96.8 for rural areas (1991). The maternal mortality rate is estimated at 30 per 10,000 live births - one of the highest in Latin America. The fertility rate among adult women is declining, as it is among girls and adolescents. In the 15 to 19-year-old age-group, the fertility rate was 68 per 1,000 in 1978 and 61 per 1,000 in 1988. Adolescents have a high likelihood of becoming pregnant; according to a recent survey, 16 per cent of births in the Lima Maternity Hospital, the capital's largest hospital, were to females under 19 years of age.

10. The differences in the living conditions of Peruvians are most marked as between rural and urban areas. It is estimated that 6.2 of every 1,000 inhabitants of urban areas die each year, whereas in rural areas this indicator is virtually double - 11 per 1,000 per year. Nation-wide, only 55 per cent of homes are supplied with drinking water and 41 per cent with sewerage, which results in a high incidence of diarrhoeal diseases. The first cholera epidemic for 100 years broke out in January 1991; from that date until August 1992, 505,776 cases and 3,559 deaths were reported. During 1992, the case fatality rate was 0.3 per cent - one of the lowest in the world.

3. Economic situation

11. The 1980s plunged Peru into the most severe economic, political, institutional and social crisis of its entire history. The national crisis was exacerbated by phenomena such as drug-trafficking and terrorism. It is estimated that 25,000 Peruvians, including 1,200 children died as a result of the terrorist violence. In addition, the cost of the damage done to the production and supporting infrastructure is similar to our total external debt (US$ 23 billion). To this should be added the serious losses caused by natural phenomena such as floods and drought.

12. During the period 1980-1990 GDP declined at an average annual rate of 1.1 per cent, while the population grew at an average annual rate of 2.2 per cent. Consequently, per capita GDP dropped by 2.8 per cent per annum. This meant that in 1990 per capita GDP fell back to a level similar to that of 30 years earlier, putting Peru in the group of the region's poorest countries and among the 50 lowest-income countries in the world. Similarly, social spending by the State and in the health sector declined by 56 per cent and 67 per cent, respectively, between 1981 and 1989.

13. In urban areas, the informal sector of the economy grew significantly. In 1990, it was estimated that 46 per cent of Lima's economically active population were occupied in this sector, or in other words, 1.1 million persons were working with low levels of productivity and income. This explains the fact that the rate of underemployment by income among Metropolitan Lima's economically active population is 78 per cent. In 1988, the proportion of women employed in the informal sector was 48 per cent, more than half of whom (53 per cent) were migrants. The number of minors in employment increased from 376,000 working children between the ages of 6 and 14 in 1985 to some 730,000 in 1991, 47 per cent of them girls. It is important to mention that 50 per cent of those in the 8 to 13-year-old age-group work with and for their parents, this being the most widespread form of dependent relationship in employment.

14. On entering office in August 1990, the new Government embarked upon a radical process of economic reforms with the aim of redressing the various existing distortions. The aims of economic policy were to initiate the process of stabilization, pacify the country and reintegrate it in the international financial system. In short, the objective was to define an appropriate framework and lay the bases for tackling development in the medium term. The economic programme made possible the following achievements: in 1991, GDP grew by some 2.6 per cent, reversing the downward trend of the previous three years; the fiscal deficit was reduced; public revenue grew from

4 per cent to 8.5 per cent; and the annual inflation rate was reduced from 7,649 per cent in 1990 to 139 per cent in 1991. In 1992 the inflation rate has been 4 per cent a month and it is estimated that it will reach 55 per cent for the whole year.

15. Significant progress has been made in the process of reintegrating the country in the international financial system. This is demonstrated by the fact that the Inter-American Development Bank (IDB) has approved new assistance programmes. This measure is very important for the country, since it will provide new resources for financing the investment programme.

16. Aware of the present situation, the Government has taken the decision to allot resources to assist the most vulnerable sectors of the population, and in 1992 it allocated some $30 million per month to projects for the promotion of temporary employment, health, food, basic education and poverty relief. These resources are channelled through the National Social Compensation and Development Fund (FONCODES), an institution coming under the Ministry of the Presidency.

C. General political structure

17. The President of the Republic is Mr. Alberto Fujimori Fujimori, who was elected in 1990 and took office later that year on 28 July, our national independence day. The present Constitution was promulgated in 1979. It provides that the Peruvian State is formed by four powers: the executive, the legislature, the judiciary and the electorate. From the political and administrative standpoint, it is divided into 13 regions, which in turn are subdivided into 184 provinces and 1,784 districts; its capital is the city of Lima, which is situated on the central seaboard.

18. The Government has now called general elections for 22 November 1992 with the aim of forming a new Congress of the Republic, known as the Democratic Constituent Congress, an autonomous body empowered to amend the Constitution and exercise supervisory functions.

II. POLITICAL AND LEGAL ACTIVITIES RELATING TO MINORS

A. General measures of implementation

1. In relation to national law and policy relevant to the provisions of the Convention

19. On 30 September 1990, Peru signed the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for the 1990s. Ministerial Decision No. 313-91-JUS of 2 April 1991 entrusted the Peru-UNICEF Coordinating Committee with the task of preparing a study on existing legislation regarding minors and drawing up proposals for alternative legislation consistent with treaty requirements, giving it 180 days in which to do so. This deadline was extended through the organization of a forum at which the scope of the study and the legislative proposals were discussed. This forum took place from 1 to 3 October 1991. The subjects discussed were the following: work by minors; street children; children in a situation of armed violence; and the administration of justice for institutionalized and

adopted minors. On 20 June 1991 Peru transmitted to UNICEF, through the appropriate channels, the national plan of action for children up to the year 2000.

20. Act No. 25339 of 12 September 1991 instituted the Children's Rights Week, to be observed from 24 to 30 September each year. The Act provides for the organization of annual events at this time with the aim of evaluating and furthering the implementation of the provisions of the Convention on the Rights of the Child and the corresponding Plan of Action. The organization of this first event was entrusted to the Archbishopric of Chimbote and the Santa provincial municipality in coordination with UNICEF, and target evaluation reports for the institutions involved were available for the purpose.

21. Supreme Decree No. 161-91-PCM set up a high-level Ad Hoc Commission to prepare the medium-term plan of action for children for 1992-1995, as well as the annual plan for 1992, at the national, sectoral and regional levels. This Commission is headed by a representative of the Office of the President of the Republic and is formed by the following bodies: the National Family Welfare Institute (INABIF); the Ministry of Education; the Ministry of Health; the Ministry of Labour and Social Advancement; the Ministry of Justice; the Ministry of Housing and Construction; the Ministry of the Economy and Finance; and the Ministry of Foreign Affairs; as well as the National Development Corporation (CONADE) and the National Social Compensation and Development Fund (FONCODES), which form part of the Ministry of the Presidency.

22. Ministerial Decision No. 505-92-JUS of 6 September 1992 set up a technical commission responsible for preparing the new Minors' Code and gave it 90 days to produce a draft of the new text.

23. Peru is participating in The Hague Conference on Private International Law, which is discussing the first draft of the Convention on international cooperation and protection of children in respect of inter-country adoption.

24. At the present time, the National Family Welfare Institute (INABIF) is in charge of activities in favour of children. However, there is a proposal to set up a governing body to coordinate and supervise policies relating to children.

2. Dissemination of the principles and provisions of the Convention

25. The text of the Convention on the Rights of the Child has been published in El Peruano, the official gazette. The Ministry of Justice has carried out the following activities:

A forum on the new legislation relating to minors, held in December 1990, at which each participant was given a copy of the Convention;

A workshop for teachers, held in May 1991;

Publication of 200 copies of the Convention for distribution at the seminars organized by the General Department of Legal Affairs;

Distribution of 600 copies of a text on the rights of the child in present-day Peru.

3. Dissemination of reports on measures adopted on the rights of the child, as established in the Convention

26. The aim of National Children's Rights Week established by Act No. 25339 is to make known, evaluate and propagate the various activities conducted by the State and Peruvian society in compliance with the principles and requirements set forth in the Convention on the Rights of the Child and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children.

B. Definition of the child

Attainment of majority

27. Majority is attained at the age of 18 (with full capacity for the exercise of civil rights - art. 42 of the Civil Code).

Medical counselling without parental consent

28. There is no minimum age.

Legal counselling without parental consent

29. This issue has not been addressed, but children under the age of 16 are entitled to be consulted on important acts relating to the administration of their property. A minor capable of acting with due discernment can accept gifts, legacies and voluntary bequests, provided that they are straightforward and involve no outside interference. It is therefore understood that the relevant legal counselling can be requested. However, a formal contract for legal counselling cannot be concluded in view of the requirement that the contracting party should enjoy full capacity. It should be mentioned that this is a new right which will call for legislation.

End of compulsory education

30. Primary education is obligatory, but no minimum age for its termination is stipulated.

Employment

31. A minor capable of due discernment may be authorized by his parents to perform a job, occupation, trade or office. The legal provisions for the protection of minors in employment are set forth in the Political Constitution of Peru and in the following laws:

Act No. 2851 of 23 September 1918 and the Regulations thereto, approved by Supreme Decree of 25 March 1921;

Act No. 13968 of 2 June 1962 (Minors' Code);

Act No. 4239 of 26 March 1921;

Supreme Decree No. 006-73-TR of 6 December 1973;

Supreme Decree No. 003-81-TR of 13 February 1981.

The minimum age for employment is regulated by our domestic legislation, as well as by international conventions of the ILO. Under the Minors' Code, children over the age of 13 are allowed to work, subject to the minimum ages laid down for various activities:

14 years of age for agricultural work;

15 years of age for industrial work;

16 years of age for fisheries work;

18 years of age for port and maritime work.

Marriage

32. Minors cannot enter into marriage; however, the judge may waive this prohibition for serious reasons provided that the male is over the age of 16 and the female over the age of 14 (art. 241 (1) of the Civil Code).

Sexual consent

33. Sexual consent by a person under the age of 14 is not valid (Civil Code, art. 173). Under the criminal law, a sexual act practised with someone under the age of 14 is regarded as an offence involving a violation of sexual freedom and is punished by a custodial penalty, as follows:

If the victim is under 7 years of age: not less than 15 years' imprisonment;

If the victim is between 7 and 10 years of age: not less than 8 years' imprisonment;

If the victim is between 10 and 14 years of age: not less than 5 years' imprisonment.

Indecent assault committed against someone under the age of 14 is also classed as an offence, punishable by not less than three years' imprisonment.

Testimony in court

34. Minors may testify, but they are not required to take an oath or promise on their honour to tell the truth (Code of Criminal Procedure, art. 142).

Criminal liability

35. Criminal liability is acquired at the age of 18, with the exception of cases of terrorism, in which criminal liability applies from the age of 15

(Penal Code, art. 20, as amended by Legislative Decree No. 25564). A minor capable of due discernment is responsible for the damage caused by unlawful acts on his part.

Deprivation of liberty

36. Juveniles over 15 and under 18 years of age shall serve the sentences established for the punishment of terrorism, although the court may reduce them at its discretion. In the case of juveniles under 15 and over 14 years of age, an order may be made for their placement in special sections of juvenile institutions with a view to their full rehabilitation.

Consumption of alcohol or other controlled substances

37. It is forbidden to sell alcohol to non-adults.

C. General principles

Non-discrimination

38. An individual is subject to the law from the moment he is born and both men and women are equal in terms of the enjoyment and the exercise of their rights. Children born in or out of wedlock have the same rights.

Best interests of the child

39. This has not been set down in the law as a philosophical principle. It will be incorporated in the new Minors' Code. However, the child's interests are discussed in cases relating to parental authority, so that the court's decision is consistent with his interests.

Right to life, survival and development

40. This right is recognized in the Constitution.

Respect for the views of the child

41. A child's opinion is taken into consideration if he is over 10 years of age, and only in cases of adoption. Society's ultimate concern is the child, as an individual, and his right to express his opinions when he attains his majority if fully recognized. Meanwhile, there are some special cases, as in the disposal of property or when a child has reached 16 years of age. At that age, he may enter into obligations or waive rights, with the advice of his parents or guardians. Parents of children over 16 are required to consult him about important matters in the management of his affairs.

D. Civil rights and freedoms

Name and nationality

42. The Civil Code specifies that everyone is entitled to a name. Births are registered within 30 days. Decree Law No. 19987 stipulates automatic registration of births in clinics, maternity hospitals and other health care centres. Act No. 25025 lays down that persons not entered in the Registry of Births, may register later.

Preservation of identity

43. Peruvian law recognizes the right to a name, nationality and family relations. No specific legislation has yet been enacted with regard to a minor's identity.

Freedom of expression

44. The Code of Civil Procedure stipulates that, for the purposes of adoption, the adoptee's consent is required if he is over 10 years of age. A child may be heard by the court, if he has reached 16 years of age, in connection with disposal of his property by his parents or guardians (new Code of Civil Procedure, art. 449).

Access to appropriate information

45. The media circulate information of social and cultural value for children and promote nationwide participation in cultural and educational competitions.

Freedom of thought, conscience and religion

46. A child is entitled to express his opinion freely, and has the right to freedom of conscience.

Freedom of association and of peaceful assembly

47. Minors are entitled to peaceful assembly in the form of associations or clubs, for cultural and sports purposes.

Protection of privacy

48. Minors are entitled to a peaceful family life. The court may issue authorization for children, on serious grounds, to live separate from a father or a mother who has entered into marriage, and they are placed under the care of another person.

Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment

E. Family environment and alternative care

Parental guidance

49. It is the duty and the right of parents to take part in administering the home and caring for the person and the property of sons and daughters who are under legal age.

Parental responsibilities

50. Parents exercise parental authority over their children who are under legal age and:

Provide for their maintenance and education;

Watch over the children's education and training for work consistent with their vocation and abilities;

Chastise with moderation and, if this is not sufficient, they may refer to the judicial authorities;

Use the services of their children, in keeping with their age and position, and without prejudice to their education;

Keep their children in their company;

Represent their children for the purpose of official affairs;

Administer the property of their children and enjoy the usufruct.

Separation from parents

51. In the event of judicial separation or divorce or invalidation of the marriage, parental authority is exercised by the spouse to whom the children are awarded. Meanwhile, the other spouse is not allowed to exercise such authority (Civil Code, art. 419).

Family reunification

52. There will be a family council to look after children and their interests and also in the case of adults who are legally incompetent and have no father or mother. The court may automatically order a family council to be set up or may do so at the request of the Department of Public Prosecutions.

Recovery of maintenance for the child

53. Maintenance is taken to mean the essentials for food, accommodation, clothing and medical care, in accordance with the family's situation and abilities, education and training for employment. The mere fact of entering into marriage places a mutual obligation on the spouses to maintain and educate the child.

Children deprived of a family environment

54. Children, adolescents and the aged are protected by the State from financial, physical or moral abandonment.

Adoption

55. By virtue of adoption, the adoptee acquires the status of the son of the adoptive parent and is no longer dependent on the biological family. He acquires the name and status of a son for all purposes.

Illicit transfer and non-return

56. In the criminal law, kidnapping is classed as an offence and entails imprisonment. Minors may be transferred inside Peru or on an inter-country basis, with the prior consent of the parents or guardians.

Periodic review of placement

57. The institutes involved consist of professional physical and mental health workers, who make a periodic evaluation of a child's progress or backwardness, and the requisite changes are ordered for the child's welfare.

F. Basic health and welfare

1. Survival and development

58. A minor is protected by the State and is entitled to reach a position to make sure of his welfare. The chief measures in the health sector are:

(a) The proposed establishment of a Committee to Promote Breast-feeding;

(b) Nationwide official recognition of the first week in August as Breast-feeding Week;

(c) Establishment of 245 demonstration centres for comprehensive child health care, strategically placed in the various regions;

(d) Establishment of a network of services, including units of the Ministry of Health and the Peruvian Social Security Institute;

(e) Implementation of the "Babyfriend Hospitals" strategy to improve comprehensive care for children at the major hospitals;

(f) "Staggered" training for administrative and service personnel at training workshops and centres;

(g) Strengthening of human resources and infrastructure at selected establishments in strategic areas;

(h) Use of the growth and development card as a way of detecting and diagnosing nutritional problems;

(i) Information, education and community outreach in connection with the benefits of breast-feeding, together with appropriate monitoring and follow-up of healthy child development and nutrition.

2. Health and health services

59. Mains water supply covered only 58 per cent of dwellings, with differences as between the urban and the rural areas (75 per cent and 18 per cent respectively). The poor sanitation coverage (sewerage and waste water disposal) is a crucial factor in the spread of epidemics such as cholera and, generally speaking, contagious and diarrhoeal diseases. In the urban areas, 24 per cent of the population have no drainage services or latrines, and the amount in the rural areas stands at 75 per cent.

60. The main legal and administrative measures are the following:

(a) The Municipalities Organizational Act of 28 May 1984 established that the municipalities are entitled to promote local public services in their areas;

(b) Legislative Decree No. 601 of 30 April 1990 stipulated the transfer of subsidiaries and operational units of the National Drinking Water and Sewage Service (SENAPA) to the municipalities;

(c) Legislative Decree No. 611, published in El Peruano the official gazette, on 8 September 1990, approved the Environmental Code;

(d) Legislative Decree No. 697, published in El Peruano the official gazette, on 7 November 1991, promotes private investment in drinking water, sewerage, water treatment and public cleaning services;

(e) The preliminary draft of the Health Code, submitted for consideration under document RM No. 0256-92-SA/DM-Consultative Commission and published in March 1992;

(f) Ministerial Decision No. 144-92-VC-1100 of 27 March 1992 established the unit to implement the National Drinking Water and Sewage programme, for the purposes of formulating, coordinating, promoting, programming, administering and evaluating and operating the IDB loan;

(g) Decree Law No. 25490 of 10 May 1992 established the Ministry of the Presidency to regulate, coordinate and monitor the operation of the multisectoral bodies and various decentralized public services, including the Lima Drinking Water and Sewerage Service (SEDAPAL);

(h) Decree Law No. 25491 of 11 May 1992 merged the Ministry of Housing and Construction with the Ministry of Transport and Communications, as the Ministry of Transport, Communications, Housing and Construction. The relevant organizational law has not yet been enacted;

(i) Decree Law No. 25556 of 11 June 1992 sets out the aims, competence, functions and structure of the Ministry of the Presidency and specifies the enterprises, institutions and decentralized organizations that come under the Ministry, two of them being SENAPA and SEDAPAL;

(j) The Sanitation Code, which was adopted under Decree Law No. 17505.

G. Special protection measures

1. Children in situations of emergency

61. Refugee children are not covered by legislation, but it is considered that they can be placed under protection. Again, children in armed conflicts including the matter of their physical and psychological recovery and social reintegration, are not covered by legislation. This issue will be discussed by the Review Commission for the new Minors' Code.

2. Children in conflict with the law

62. The administration of juvenile justice comes under the juvenile courts. A child is regarded as not liable to prosecution. The question of children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings, is governed by the following: articles 1 and 3 of Decree Law No. 25564, amending article 20 of the Penal Code specifying that someone under 18 years of age does not incur liability, except someone who has committed or taken part in acts classed as terrorist acts, in which case, the person must be over 15 years of age. In the case of persons under 15 and over 14 years of age, the juvenile court shall order them to be placed in special sections in establishments for juveniles, which carry out social reintegration programmes for the purpose of securing the child's reintegration in society.

63. The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment, is covered by the following provisions: if the person concerned is over 15 and under 18 years of age and the acts which he has committed or in which he has participated are classed as terrorist acts, the sentence shall be served in special sectors duly established in penitentiaries, for such time as he remains a minor (Decree Law No. 25564, art. 4).

3. Children in situations of exploitation, including physical and psychological recovery and social reintegration

Economic exploitation, including child labour

64. Article 100 of the Minors' Code relates to full rehabilitation of a minor so that he can be reintegrated into society. The Penal Code (art. 128) stipulates one to four years' imprisonment for anyone who, as protector or supervisor of a minor, endangers his life or health by subjecting him to excessive or unsuitable work or misuses means of chastisement or discipline.

Drug abuse

65. The new Penal Code (art. 302) states that anyone who incites or induces a person to engage in unlawful consumption of drugs shall be sentenced to not less than three years' imprisonment, and to not less than five when he does so for the purposes of gain or if the person is manifestly not liable to prosecution.

Sexual exploitation and sexual abuse

66. The current Penal Code stipulates in article 174 that it is an offence to take advantage of a situation of dependency, authority or supervision to engage in a sexual or similar act. A range of penalties is also specified in article 173 for cases of rape of minors. Under article 179 it is also an offence to encourage the prostitution of a person under 14 years of age.

Other forms of exploitation

67. The criminal law now in force (art. 168) stipulates a maximum of two years' imprisonment for any who compels another person, by violence or threats, to work without proper remuneration or to work in unsafe or unhygienic conditions.

Sale, trafficking and abduction

68. The current Penal Code (art. 152 (5)) stipulates imprisonment for anyone who unlawfully deprives a minor of his liberty. Under article 153 it is an aggravating circumstance if the perpetrator engages in or encourages trafficking in children, commits the act together with others or as a member of a group engaged in trafficking in children, or if he is a civil servant or public official who has any special or general link with minors. Article 182 stipulates a minimum of five years' imprisonment for anyone who promotes or facilitates entry into or departure from Peru or movement within national territory of a person who engages in prostitution. It is an aggravating circumstance if minors are involved.

H. General difficulties

69. The greatest difficulty encountered in carrying out various activities to help children is the limited financial resources available to implement enough programmes and plans to improve the quality of life of the child population, chiefly in the countryside and in marginalized urban areas. Peru's isolation from the international financial system as from 1985 led to a major break in the flow of resources from abroad, which could, among other things, have helped to meet the basic needs of the population.

70. The process of restructuring the governmental system also affects the achievement of major objectives, inasmuch as the various organizations and institutions are reshaping their role in the light of the new government policy and the prospects for national development.

71. Terrorism and drug trafficking, in view of the terrorist and other acts of destruction committed against the population and the economic and supporting production infrastructure, are such that substantial resources have to be used to replace the infrastructure, when they could otherwise have been used for the social sector.

List of annexes*

A. Population

1. Peru: Total population and persons under 18 years of age, by sex, by age group (1992 and 2000)

B. Children's health and welfare

1. Peru: Percentage of children 12-23 months' old, by vaccination received, by characteristics (1991-1992)

2. Peru: Children assisted by the National Family Welfare Institute, by type of assistance (1988-1991)

3. Children covered by assistance and protection, rehabilitation and social advancement, by type of service and reason for coverage (1985-1991)

4. Peru: Children entering social rehabilitation centres and services, by geographical area and type of service (1985-1991)

5. Peru: Children leaving social rehabilitation centres and services, by geographical area and type of service (1985-1991)

6. Metropolitan Lima: Population 12 to 24 years of age who have used drugs at some time, or in the past month, by sex (1988)

7. Metropolitan Lima: Percentage of children 12 to 14 years of age who have used drugs (1988)

8. Peru: Infant and child mortality rates over the last 10 years preceding the survey (1981-1991)

9. Lima-Callao: Infant and child mortality rates over the last 10 years preceding the survey (1981-1991)

C. Education

1. Peru: Total number of children enrolled in schools, by educational level (1987-1991)

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* These statistical tables, in the Spanish version received from the Government of Peru, may be consulted in the files of the United Nations Centre for Human Rights.

2. Peru: Total number of teachers, by educational level (1987-1991)

3. Peru: Educational success rate indicators in primary and secondary education (1986-1990)

4. Lima: Number enrolled in primary education, according to success rate: December (1990)

5. Lima: Number enrolled in primary education, according to success rate: December (1990) (percentage)